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EXAMINER

MILLER, BRANDON J

ART UNIT

PAPER NUMBER

2683

4

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|------------------------------|--|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/046,460 | LITWIN, LOUIS ROBERT | |
| | Examiner Brandon J Miller | Art Unit 2683 | |
| -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -- | | | |
| Period for Reply | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. | | | |
| <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | |
| Status | | | |
| 1) <input type="checkbox"/> Responsive to communication(s) filed on ____. 2a) <input type="checkbox"/> This action is FINAL . 2b) <input checked="" type="checkbox"/> This action is non-final. 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | |
| Disposition of Claims | | | |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are pending in the application. 4a) Of the above claim(s) ____ is/are withdrawn from consideration. 5) <input type="checkbox"/> Claim(s) ____ is/are allowed. 6) <input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are rejected. 7) <input type="checkbox"/> Claim(s) ____ is/are objected to. 8) <input type="checkbox"/> Claim(s) ____ are subject to restriction and/or election requirement. | | | |
| Application Papers | | | |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner. 10) <input type="checkbox"/> The drawing(s) filed on ____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) <input type="checkbox"/> The proposed drawing correction filed on ____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. | | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | | |
| 13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: <ol style="list-style-type: none"> 1.<input type="checkbox"/> Certified copies of the priority documents have been received. 2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. ____. 3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received. 15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. | | | |
| Attachment(s) | | | |
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____. | |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Kaplan and Sawai.

Regarding claim 1 Marks teaches a method for remotely accessing messages from a message storage system using a wireless device connected to a combination of wired and wireless networks, including: establishing a connection from the wireless device to the message storage system; transmitting a request for the messages from the wireless device to the message storage system using modems of the wireless device and the message storage system; transmitting the messages from the message storage system to the wireless device using the modems of the wireless device, in response to the request; receiving the at least one of the messages by the wireless device (see col. 1, lines 63-67, col. 2, lines 65-67, col. 3, lines 1-3 and col. 7, lines 24-32). Marks does not specifically teach a caller ID/answering machine, another modem of the caller ID/answering machine, or storing at least the caller ID information in the wireless device for subsequent display when the caller ID information is received. Kaplan teaches a voicemail messages in a wireless communication system (see abstract and col. 2, lines 22-25. Sawai teaches modems used to connect computers with an electronic mail network (see col. 5, lines 20-27). Sawai also teaches storing at least the caller ID information in the wireless

device for subsequent display, when the caller ID information is received (see col. 3, lines 40-45 and FIG. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a caller ID/answering machine, another modem of the caller ID/answering machine, or storing at least the caller ID information in the wireless device for subsequent display when the caller ID information is received because this would allow for transmission of voice messages from a remote terminal to a wireless device.

Regarding claim 2 Kaplan teaches storing messages in a message storage area for subsequent playback on the wireless device (see col. 6, lines 65-67 and col. 7, lines 1-5).

Regarding claim 3 Marks, Kaplan, and Sawai teach a device as recited in claim 1 except for displaying caller ID information on the wireless device subsequent to a termination of the connection between a wireless device and a caller ID/answering machine. Sawai does teach displaying caller ID information on a wireless device (see col. 3, lines 40-45 and FIG. 1). Kaplan does teach termination of a connection between a wireless device and a message storage area (see col. 7, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include displaying caller ID information on the wireless device subsequent to a termination of the connection between a wireless device and a caller ID/answering machine because this would allow for automatic connection information to be obtained when a message has been received from a message storage device.

Regarding claim 4 Marks, Kaplan, and Sawai teach a device as recited in claim 1 except for playing back the messages on a wireless device subsequent to a termination of the connection between the wireless device and a caller ID/answering machine. Kaplan does teach storing

messages in a message storage area for subsequent playback on the wireless device (see col. 6, lines 65-67 and col. 7, lines 1-5). Kaplan does teach termination of a connection between a wireless device and a message storage area (see col. 7, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include playing back the messages on a wireless device subsequent to a termination of the connection between the wireless device and a caller ID/answering machine because this would allow for automatic message retrieval when accessing a message storage device.

Regarding claim 5 Kaplan teaches playing back messages on a wireless device, during a connection between a wireless device and a message storage area (see col. 6, lines 65-67 and col. 7, lines 1-5).

Regarding claim 6 Kaplan teaches receiving a user entry input by a wireless device corresponding to a selection of a caller ID entry stored in the wireless device; and automatically calling an individual corresponding to the caller ID entry (see col. 6, lines 49-55).

Regarding claim 7 Kaplan teaches a wireless communication device that is a cellular phone (see col. 2, lines 65-67).

Regarding claim 9 Sawai teaches caller ID information that is at least one of a time of a call, a date of a call, a name of a caller, and a telephone number of the caller (see col. 3, lines 40-45 and FIG. 1).

Regarding claim 10 Sawai teaches a cellular phone network (see col. 5, lines 25-28).

Regarding claim 11 Marks teaches a method for remotely accessing messages from a message storage system using a wireless device having a modem connected to a combination of wired and wireless networks and a message storage system capable of receiving a request for the

messages and for transmitting the messages in response to the request; and a wireless device capable of transmitting the request for receiving the messages (see col. 1, lines 63-67, col. 2, lines 65-67, col. 3, lines 1-3 and col. 7, lines 24-32). Marks does not specifically teach a caller ID/answering machine, another modem of the caller ID/answering machine, or storing at least the caller ID information in the wireless device for subsequent display when the caller ID information is received. Kaplan teaches a voicemail messages in a wireless communication system (see abstract and col. 2, lines 22-25. Sawai teaches modems used to connect computers with an electronic mail network (see col. 5, lines 20-27). Sawai also teaches storing at least the caller ID information in the wireless device for subsequent display, when the caller ID information is received (see col. 3, lines 40-45 and FIG. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a caller ID/answering machine, another modem of the caller ID/answering machine, or storing at least the caller ID information in the wireless device for subsequent display when the caller ID information is received because this would allow for transmission of voice messages from a remote terminal to a wireless device.

Regarding claim 12 Marks, Kaplan and Sawai teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 13 Marks, Kaplan and Sawai teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 14 Marks, Kaplan, and Sawai teach a device as recited in claim 11 except for at least one speaker for playing back the messages on a wireless device subsequent to a termination of the connection between the wireless device and a caller ID/answering machine.

Kaplan does teach storing messages in a message storage area for subsequent playback on the wireless device (see col. 6, lines 65-67 and col. 7, lines 1-5) and at least one speaker (see col. 7, lines 33-35 and FIG. 2). Kaplan does teach termination of a connection between a wireless device and a message storage area (see col. 7, lines 1-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include at least one speaker for playing back the messages on a wireless device subsequent to a termination of the connection between the wireless device and a caller ID/answering machine because this would allow for automatic message retrieval when accessing a message storage device.

Regarding claim 15 Kaplan teaches playing back messages on a wireless device, during a connection between a wireless device and a message storage area (see col. 6, lines 65-67 and col. 7, lines 1-5) and at least one speaker (see col. 7, lines 33-35 and FIG. 2).

Regarding claim 16 Marks, Kaplan and Sawai teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 17 Marks, Kaplan and Sawai teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 19 Marks, Kaplan and Sawai teach a device as recited in claim 9 and is rejected given the same reasoning as above.

Regarding claim 20 Marks, Kaplan and Sawai teach a device as recited in claim 10 and is rejected given the same reasoning as above.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Kaplan, Sawai, and Ozaki.

Regarding claim 8 Marks, Kaplan and Sawai teach a device as recited in claim 1 except for a wireless device that is a personal digital assistant (PDA). Ozaki teaches a wireless device that is a personal digital assistant (PDA) (see col. 8, lines 10-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a wireless device that is a personal digital assistant (PDA) because this would allow for transmission of voice messages from a remote terminal to a variety of wireless devices.

Regarding claim 20 a device as recited in claim 8 is taught above and is rejected given the same reasoning.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bowater U.S. Patent 6,282,269 discloses voice mail on the Internet.

Namekawa U.S. Patent 6,237,027 discloses electronic mail system, computer device and remote notification method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



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